

**BIENNIAL MESSAGE**

**OF**

**Governor R. S. Vessey**

**TO THE**

**Thirteenth Legislative Session**

**State of South Dakota**

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**1913**

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STATE PUBLISHING CO.  
Pierre, S. D.

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*To the Members of the Thirteenth Session of the Legislature of South Dakota.*

GENTLEMEN : Our Constitution provides that at the opening of each session of the Legislature and also at the expiration of his term of office, the Governor shall, by message, give to the assembled legislators such general information of the state and its condition as may be at his hand, and recommend to them the enactment into law of those measures which may, in his judgment, seem expedient and wise.

In conformity, therefore, with these constitutional requirements, I have the honor and pleasure to communicate to you a brief summary of the history and operation of the various departments of State during the past four years of my incumbency. To some extent, I shall perhaps deviate from the usual practice of retiring executives and not only bring to your attention specific recommendations germane to the needs of the several departments but present as well the general condition of the State, together with any changes of administrative policy which may seem to be for the best interests and advancement of our citizenship and which may redound to the further glory of our beloved Commonwealth.

As the representatives of a strong and intelligent people for whose general good you are sworn to bend your energies, a no small measure of responsibility is yours and I urge upon you the necessity of keeping the faith with your constituency, of fulfilling pre-election pledges in so far as possible, of earnestly striving for the betterment of the whole people, to the end that the sovereign position now occupied by South Dakota may be preserved, maintained and enhanced.

Our development has been so phenomenal and the present social and commercial conditions are so vastly different from those

of a few years ago that the methods of managing the affairs of state must continually change and transform themselves if we are to satisfactorily meet and cope with the complex current demands. It is well to profit by the experience of those who have gone before and let me advance a word of caution that through your Honorable Body no careless or illy-conceived measures of legislation are placed upon our statutes.

Much litigation, endless difficulty, and real injustice to our citizenship are occasioned by carelessly framed and poorly or hurriedly drawn legislative enactments, and I would impress upon you the stern necessity for most searchingly examining into every bill which comes before you for enactment into law. I have noted with decided approval the establishment in some of the sister states of a Legislative Bureau or Committee, usually comprised of three members, one at least of whom is an efficient and practical lawyer, which Commission or Board devotes its time to a studious examination of the laws not only of the home state but of its contemporaries. Such a legislative bureau might be required to draft all of the new laws proposed, to learn the status of such laws in relation and co-relation to the laws already upon the statute books, and to secure for the legislature when it is in session all possible available information on any desired subject. The potential and positive values of a Commission for these purposes cannot be estimated, neither the length nor the breadth, and I urge that you give the matter and its kindred subjects your thought and attention. It is my conviction, and in it I am not alone, that the tendency of very many legislative bodies is toward too many rather than too few new laws and I again offer the oft-repeated statement that there is a demand for the reduction and curtailment of the amount of legislation bi-ennially passed by the legislature and placed among our laws.

### **STATE INSTITUTIONS**

The report of the State Board of Charities and Corrections for the bi-ennial period ending June 30, 1912, is at your hand, accompanied by the conjunctive reports of the Warden of the Penitentiary, the State Parole Officer, and the Superintendents of

the Hospital for the Insane, the School for the Blind, the Training School, the School for the Deaf and Dumb, and the Tuberculosis Sanatorium, all of which I commend to you for your information and guidance in framing and formulating such legislation, in connection with these institutions, as your Honorable Body shall deem necessary. The results shown in the various reports make plain that the affairs of the several institutions have been generally well managed and with economy. In the matter of appropriations for these, and in fact for all of our state institutions, I feel that you should advance with well advised caution and deliberateness. As I stated in my message to the Twelfth Assembly, "The efficiency and progress of our institutions should not be retarded by lack of appropriation unless the necessity is absolute, but I know of no valid reason why the affairs of a state should not be conducted as carefully and as conscientiously as those of a private business or concern, and a legislative body which devotes its attention intelligently to the scrutiny of state affairs will undoubtedly receive the just commendation of the people throughout the state."

### **TUBERCULOSIS SANATORIUM**

Although only in its infancy, the State Tuberculosis Sanatorium, which is located not far from Custer City, in the county of Custer, is in my judgment even now holding one of the most strategic points in the state campaign against ill health and disease, and in order that it may progress, develop and achieve the highest possible efficiency I urge that you give to it the necessary and proper legislative financial encouragement, to which by its enlistment in a cause so worthy, it is justly entitled.

I heartily agree with the members of the Board in their opinion that, in view of the extremely small appropriation, very much has been accomplished in the splendid construction of the buildings, in securing a fairly complete equipment and in the improvement of the grounds surrounding the institution. The capacity of the institution, you note, is limited to the occupancy of fourteen patients, and in consideration of the large number of tubercular sufferers already within our boundaries, (Superintendent Woodworth estimates thirty-five hundred cases) and the rapid,

fire-like spread of the dread disease, you will readily comprehend the futility of our attempt to combat the same with our present accommodations.

A personal visit to the Sanatorium revealed to me the necessity for the addition of new pavilions, for the building of barns, and for the securing of an adequate herd of dairy cows. These and other recommendations have been made by the Superintendent and I leave them to your wisdom and judgment.

Further, I concur with the recommendation of the Attorney General that a law be enacted which will permit the transfer of inmates from any of our charitable or penal institutions to the Sanatorium, whenever deemed advisable and necessary by the supervising Board of Charities and Corrections, and would also draw your attention to recommendation numbered XLV of the said report.

### **THE SCHOOL FOR THE BLIND**

The School for the Blind has, since my former message to the Legislature, continued under the administration of Mrs. Lelia M. Curl, who has constantly evidenced her peculiar fitness for the superintendency of this institution. Much attention has been given to a carefully balanced curriculum of study and training and secured results have proven the worth of the effort.

Among the needs of the institution you will note a request for an improved and better equipped manual training and Industrial department and in this recommendation I wish to especially concur, believing that a thorough industrial education will best fit those without sight for the battle of life on the field which they later must enter. The life or death of our nation depends entirely upon the quality of the citizenship found therein and indeed it is the duty of each and every state to educate her children into self-reliant, worthy citizens, even when they are without the inspiration of sight.

I further recommend that the minimum age limit for admittance into the school be materially lowered. It is known that the plastic mind of the young blind child is especially susceptible to baleful influence and in some, often many, cases conditions in

the home oppose its progress and advancement. In such instances, 'in my judgment, the child should be admitted into the institution even at 'the tender age of five years. Absence of proper training for the blind child for but a few months at a vital period of its growth may seriously retard its development; the intellect becomes dulled; the senses weaken; finally it is impossible to arouse the unfortunate juvenile from the inertia so characteristic of the blind ; the child sinks into mental oblivion and imbecility is the result.

### **SCHOOL FOR THE FEEBLE MINDED**

The report of the Superintendent of the School for the Feeble Minded shows that at the close of the biennium just passed there were within the institution two hundred and ten inmates, and to all has been given the exceptional care characteristic of this Home, For the Superintendent and his corps of assistants I have nothing but words of praise and commendation, for the personal interest evidenced in the welfare of the persons under their charge and for their skill and efficiency in following out their splendid ideas.

My opinion concords with that of the Superintendent, in believing that every child born into the world is entitled to an education, that every child above the ranks of idiocy is capable of receiving some form of instruction, and finally that the state should make provision for the proper education of all afflicted children and in fact for all citizens mentally unfortunate, whenever necessary.

The incorporated recommendation and request for a building appropriation meets with my approval and should have your consideration, as also should the request for funds for beautifying and improving the grounds.

### **STATE TRAINING SCHOOL**

In connection with the management of the Training School, I feel that sufficient attention to instruction in manual training is not being given, and inasmuch as the Superintendent reports that this deficiency is due to lack of funds I would earnestly direct your attention thereto. In my judgment, nothing is of such importance in the education and development of our refractory youth as to teach them the nobility of labor, and the demand for thor-

oughly equipped manual training and domestic science departments at this school should at once be met.

Very many people throughout the state appear to have an entirely inadequate conception of the real nature of this particular institution, apparently believing it to be a branch of our state prison, and conducted along the lines of a penitentiary. This is a very grave error and certainly every effort should be made to relieve this misapprehension, for although the institution is one for the reformation of juvenile delinquents, it should by all means be deprived of each and every semblance of a penal institution. Connective with this particular matter, I wish to express my disapproval of the ball and chain system of punishment which to some extent has prevailed in our school at Plankinton. I feel that it is unnecessary and should be abandoned. Time is constantly recording changes, systems are continually being improved and revised and the methods pursued in our state institutions must keep the pace.

You will note from the report that (during the year ending June 30, 1911, the average daily number of inmates at the Training School was eighty-eight; during the following year an average of ninety-one is recorded.

### **SCHOOL FOR THE DEAF**

Into most human lives is thrust the practical problem of earning a living, and it is to the answer of this problem that our efforts for the education of our deaf boys and girls should be directed. I am, therefore, especially pleased to report that pronounced stress has been placed upon industrial education in the teaching of those in attendance at our School for the Deaf, which continues under the excellent supervision of Superintendent Simpson. From the report you will gather that the boys are given experience and training in the printing office, in the cobbler shop, at the carpentering bench, and in the fields, while the girls receive instruction in cooking, sewing and all branches of domestic science.

The extraordinary results secured by various deaf mutes now much before the world, from a wise course of instruction, offer sufficient stimuli to all interested in the education of this element of

our society, and I urge that careful judgment prevail in all matters of legislation appertaining to this important institution, in order that the school may attain its best development and elevate to the highest standard possible the mind, hand and heart of the deaf mute.

### **PENITENTIARY**

I have found myself very much interested indeed in the report of the Warden and other officials of our State Penitentiary, inasmuch as I have endeavored, during my incumbency, to follow closely the workings of that institution, the methods obtaining therein, and the results secured therefrom. I rejoice that our present penal system, as organized and operated, is a step in advance from the usual treatment of the criminal, but indeed the desired end is not yet. Modern public sentiment along these lines is now recognized as an expression of humanitarian ideas and our prison systems must finally be brought to meet the demands that our criminal must not only receive punishment but that he must be saved and reformed; he must be treated as a man, although erring; we must offer every incentive and seize every opportunity in the effort for his reclamation; and must employ all agencies which might in any manner conceivable contribute to his industry, good behavior, and general welfare, after release. At the Sioux Falls institution a decided improvement has been made during the past four years and offers a satisfactory vindication of the penological methods and principles we have advocated.

I have viewed with favor the establishment and operation of the indeterminate sentence and deem it most commendable and worthy. Establishing as it does the principle of conditional release, it prepares the prisoner for freedom, if this be possible; it changes the mental view-point of the prisoner toward his sentence and toward the prison government, and in fact it justifies itself as the only practicable system of imprisonment for wrong-doing. Human beings are - deprived of 'their liberty, cut off from society, and put into prisons, only when there is a necessity, in order that society may be protected and the public safeguarded, but surely the duration of the stay in prison should depend upon and be determined by the demand and duration of the necessity. This is

the basic principle of the Indeterminate Sentence Law, the extension of which I am heartily in favor.

I also approve of a law authorizing the courts to suspend the imposing of sentence upon a first-offender, and placing the defendant upon probation. Such a law would very much assist many a one who in his boyhood or Young manhood has impulsively or inadvertently erred and who merits punishment and discipline but who should not be forced, at the time of his first offense, to come into direct contact with criminal associates. Many "first-termers" are convicted of minor offenses and their sentences are often short but the effect upon the prisoner of their serving may indeed be most detrimental and pernicious. Under present conditions, the confinement is degrading to a greater or less extent, and to a certain degree demoralizing-; because of it the prisoner is branded, becomes known as a jail bird; he finds himself somewhat of an outcast, despised, and finally, as a result, he drifts out upon the sea of permanent crime. Public opinion is waxing strong against such an institution and the probation laws of many states are a beginning in the right direction.

I feel most keenly that in the cause of prevention of criminality, a wide revision of our jail system is actually necessary and again urge that the control of our county jails be centralized and placed under the supervision of the state. Sometime ago I prepared an address for the American Prison Association and in it made the following remarks, relative to the operation of the existing system

"The jail is used as a place of detention of prisoners awaiting trial, sometimes of witnesses, and also for the infliction of sentences of minor crimes. Very often men and women are confined in the same building and not seldom within sight or hearing of one another. The inmates are of course of varying grades of mental depravity, the thoughtless boy, the old offender, the drunkard, and the prostitute. In such a motley school it is a matter of wonder indeed if the entire moral atmosphere does not soon reek with criminal stench. The unsophisticated first-

termmer mingles with the adept, much to his detriment, and the uninitiated youth may receive lessons at first hand from those already steeped in crime, with very definite and deplorable results. I am confident that a general revision of our entire jail system would do more for the cause of morality than we can easily comprehend."

Also, in various of the sister states, we find that capital punishment has been abolished, and the question is well worthy of consideration at the hands of this session of the South Dakota Legislature. In my own mind there is no existent doubt but that the interests of humanity and justice would be better served were we to entirely do away with the practice of the infliction of the death penalty, which is in itself vitally opposed to the highest ideals in government.

In connection with the financial condition of the Penitentiary, you will note that during the biennium the shirt factory has effected an income of \$20,635.11, and a net profit of \$42,189.18 is the result of the operation of the Twine Plant since its installation. In regard to the labor of our convicts, there is much to be said but I leave the matter to the wisdom of your judgment. As has already been stated in this message, the chief objects of imprisonment should be and are the protection of society and the reformation of the criminal; a repetition of his crime must be prevented and others must be deterred from following his example; lastly, in my judgment, comes the more remote consideration of making the prison pay.

In some states, splendid results have been secured through working the convicts upon the public roads, and this phase of the prison labor problem is, I feel, deserving of your especial attention.

Further, in dealing with our penitentiary and the inmates thereof, attention should be given to the families of prisoners, and proper provision made by the state for their assistance. We give our prisoners good food, they are carefully housed, have comfortable rooms, receive medical attention when ill, etc., and this is right and just. But what of the wife and children, who often in

poverty, disgrace and sorrow, are making shift for themselves as best they can? In this, each and every one of us as a citizen, and all of us as a state, have a portion of responsibility and a duty to perform, and the recognition of that duty will mark an advance in penological measures and methods.

I admit that under the law we are authorized to place to the credit of our prisoners a certain amount for their labor, but I know also that thus far but \$2.32 per month has been paid to each prisoner. and further the convict is not compelled to send even this pittance to those dependent upon him. Thus it is that more often than otherwise the dependent family receives greater punishment than does the convict and prisoner. The matter is of paramount importance and relief should be administered in a just and equitable manner.

### **HOSPITAL FOR THE INSANE**

The problem of caring for our insane population is indeed one of magnitude, and South Dakota can well congratulate herself upon the exceptional management of the hospital at Yankton. Our Superintendent is widely known throughout the country as one of its most skillful and authoritative alienists, and the work performed and the results variously secured at the state institution are testimonials of his high quality of ability. We can proudly say that every effort known to science and humanity is being exerted in behalf of those unfortunates confined within our hospital for the insane, and indeed those in charge of the institution deserve every consideration at your hands for I am confident that nowhere have we a body of public workers more earnestly or more intelligently interested in benefiting those tinder their charge than are those ministering to the wants of our insane population.

Within the hospital on June 30, 1912, there were, as shown by the report of the Superintendent, nine hundred and nine patients, a decided increase over the preceding year.

The time has arrived when, in view of the increased occupancy of the Yankton hospital, provision should be made for the future, and I earnestly direct your attention to the matter of wise improvements being made, as suggested in the report of the Super-

intendent, on the section of land located near the city of. Watertown, with the end in view of placing thereon in insane hospital, supplementary to the institution at Yankton. The demand for increased facilities is imminent and for the good of all concerned, action should be taken at this time.

Your attention is further called to the financial estimate for the needs of the institution as prepared by the Superintendent and submitted in his report and I bespeak your consideration. I further wish to make separate mention of certain recommendations offered by the Attorney General in Sections 22 and 23 of his report, and for. your information have incorporated the same herein. The recommendations are as follows

“Section XXII. Your attention is called to the fact that there is grave doubt as to the constitutionality of the statutes providing for the commitment of insane persons to the insane hospital, the courts of Minnesota, Michigan and Missouri having held that notice of such hearing must be given the person accused of being insane. Contention is also made that said statutes are unconstitutional because no right of appeal is given. I recommend an immediate and thorough revision of Article 4 of Chapter 27 of the Revised Political Code of 1903, being Section 2806 to 2830 of said Code, so that all questions as to the constitutionality of said statutes may be settled. This is a very important matter, and immediate attention must be given to it, as a decision by the Supreme Court that such statutes are unconstitutional for the reason that a person might be deprived of liberty without due process of law, would operate to liberate . a great number of violently insane persons at the State Hospital for the Insane, and the matter may be brought up by writ of habeas corpus without giving the State but little opportunity to secure testimony and defend the case. I consider this one of the most important questions before the next legislature.

“Section XXIII. Your attention is called to the fact that under the decisions of practically all of the courts,

Chapter 172 of the Session Laws of 1911, amending Section 418 of the Code of Criminal Procedure, which provides that persons acquitted in any criminal action on the ground of insanity be immediately committed to the hospital for the insane, is unconstitutional, for the reason that the verdict of the jury is not as to the present insanity of the defendant, but is a verdict that the defendant was insane at the time of the commission of the crime. It is recommended that this statute be amended, and that provision be made for a hearing as to the present condition of a person so acquitted immediately after the rendering of the verdict by the jury."

These advices are of vital importance to the welfare of the state at large and call for immediate legislative action.

In this same connection, it is my pleasure to recommend that you devote some attention to the present method of examining persons thought to be insane. No one, in my judgment, should be committed to the insane hospital without first being examined by at least two reputable medical physicians, and I believe that justice would more often prevail if the Insanity Commission were to consist of two such doctors of medicine and the county judge, the last named to be assisted whenever necessary by the State's Attorney of the interested county.

### **SOLDIERS' HOME**

This institution should indeed be all that is implied by its name and to the report of the Board of Managers, and the incorporated recommendations, I earnestly direct your attention.

I am confident that at no period in the history of the Home has there been a greater effort put forth for the comfort and welfare of the veterans than (luring the administration of the present board, and to the members thereof and to the Superintendent and his assistants the state owes a debt of real gratitude. As is given in the report, dire need is felt of a detention hospital for the isolation of patients suffering from contagious diseases and I join in the request for an increased appropriation in the amount of four thousand dollars for this purpose. Provision should also be made

for securing the services of a female nurse, the demand for such being apparent. It is stated by the board that the capacity of the Home should be increased and a personal visit to the institution verifies the statement. Further, I call your attention to the recommendations of the Superintendent and the Matron that the main building of the Home be supplied with an elevator. The veterans are now aged, many of them enfeebled and decrepit ; as the years pass they grow more helpless and infirm, and the insistent duty of the state is to supply them with all the comforts possible. At the best it can be but an inadequate return for their supreme devotion and attendant self-sacrifice, and so let us look well to their support and do everything within our power to fill their declining years with cheer and comfort.

Under the supervision of Superintendent Orr a remarkable advance has been made at the institution and exceptional improvements of the physical property effected, as you will note by his report, and at this time I offer to him my sincere personal congratulations and those of the state upon his earnest endeavors and the resultant success.

### **EDUCATIONAL**

Prominent among the many important matters awaiting your consideration are those relating to the ways and means of best advancing our educational institutions and the cause they represent, and connective therewith your earnest attention is directed to the report of the supervising Board of Regents, in which is found much information of value.

Our citizens may well view with decided satisfaction and pride the progress which has been and is now being made by the various state schools and colleges within our boundaries, and in relation to the financial needs and appropriation estimates, may we not forget that a commonwealth can make no better application of her available assets than through liberal contributions to the maintenance of her educational institutions.

However, it is as well the duty of the Legislature to make every effort to secure the greatest possible resultant good from the expenditure of the funds appropriated, whether for educational purposes or otherwise, and in this connection I especially

urge upon you the necessity for your giving careful thought and consideration to those sections of the report of the Board of Regents, in which the president of the board convincingly alludes to a plan of co-ordination, combination and re-adjustment of our higher institutions of learning.

It is my own opinion that if not at hand the time is soon to come when our state schools and colleges must develop and cultivate some such individualism as is suggested by President Hitchcock,. each giving the major measure of its strength and energy to the promotion and up building of its special and particular departments, and I believe that when such a system is organized and operating in our educational institutions there will follow a kindly association and co-operation to a degree now unheard of, and the formation of an educational federation which would be capable of opening to the youth of our state new channels of opportunity, new privileges, and new possibilities of which we now have no conception. Whatever plan of action is decided upon, I trust that our future educational policy may be one clearly conceived and comprehensively formed, in order that our scholarship may be promoted, the character of our state educational institutions strengthened and more firmly moulded, and the field of their influence enlarged.

### **FARMERS' INSTITUTES AND AGRICULTURAL**

During the fiscal year ending June 30, 1911, there were held by our Farmers' Institute corps one hundred and four regular institutes, at which meetings an aggregate attendance of about fifty thousand is recorded, well evidencing the great amount of interest had in this phase of our agricultural training. In the month of July, 1911, the Honorable A. E. Chamberlain, who was at the head of our institutes for several years, tendered his resignation to the board, and in October of that year Mr. H. H. Stoner was appointed his successor. Under the supervision of the latter official one hundred seventeen two day institutes, fifty-five one day institutes, six specials, and seven boys' contests were held, and in all splendid work has been accomplished. This branch of our educational system is indeed most worthy and well warrants your interest and support.

Our agronomy department, which has for some time been under the supervision of Prof. A. N. Hume, has accomplished very creditable results, and I trust that the scope of this important branch may be rapidly broadened and increased. I am indeed gratified to note the growing demand for and interest in all kinds of agricultural extension instruction and experiments, short courses, institutes, corn contests, etc., and feel that increased devotion to this line of training will redound to the good of the entire state.

I would also call your attention to the fact that the State Fair annually draws increased interest and attendance and is an institution to which the whole people of South Dakota point with no uncertain pride. As a means of education, its powers and influence are without limit; and I commend the report of the Board of Agriculture to your kind consideration.

This message would indeed be incomplete were I not to make mention of the work performed by our horticultural department, and especially of the signally vigorous alfalfa planting campaign carried on by the secretary of the society. Our Professor Hansen is known throughout the entire country as a leading expert on the culture of alfalfa, and his personal supervision of our horticultural interests is certainly most valuable, hence I unhesitatingly recommend to you that he be given every reasonable encouragement.

I have found the report of the State Geological Survey to be of much interest and feel that especial attention should be given that portion of the document referring to the artesian water supply, which reads as follows

"Too much emphasis cannot be placed upon the importance of our artesian wells. A fact is better known than that the flow of water is decreasing in many of these wells. If the decrease in pressure is due to the loss of water, this must be caused by one of the following reasons : (1) Drainage into rivers which have cut down the water-bearing stratum. (2) Loss of water at the artesian wells. It seems probably that the very sudden

decline in the flow of our wells is due to loss at the wells. This loss may be either through the pipe at the surface or around the pipe below the surface into porous beds. The whole problem of our artesian wells should be carefully studied by our survey in order that proper precautions may be taken to conserve this great resource. If careful investigation shows that the amount of water escaping through the tube at the surface is quantitatively important, laws regulating the size of wells and the flow of water must be passed and enforced. At present not more than 2 per cent. of the water supplied by the artesian wells is used. However, if investigation proves that much more water leaks into porous beds below ground than escapes at the surface, then great efforts will have to be taken to save our artesian well supply, since leaks usually become larger and larger. That there be no hole around the pipe through which water can escape will have to be required by law. At the time of the first piping of new wells, proper precautions can easily be taken. Methods for the stopping of leaks in the older wells will have to be devised. That we have been careless in the past concerning our artesian wells, the greatest mineral product of the eastern part of the state, is evident to all. The time for action has certainly come if this great resource is to be shared with our children."

Indeed this is a matter of vital import to a large portion of the state and I suggest that sufficient funds be provided the Survey to make the proper investigation necessary to the wise conservation of this great resource, for to even the most slightly informed it is apparent that in this regard we have already begun to pay the penalty of indifference to the morrow.

### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

The report of Hon. C. G. Lawrence, Superintendent of Public Instruction, is an interesting review of the work performed under his leadership and evidences the material progress which has been made by our public schools.

I am especially pleased to bring to your attention the advancement of industrial education, very many of our high schools having included in their curricula comprehensive courses in manual training and domestic science. In view of changed conditions, it appears that this is the psychological time for the inception of a new system of education which will answer the present demands, and the rapid introduction into our schools vocational and agricultural training will potently assist in solving the problem.

By the old system, the educational route is clearly defined for the pupil from the time of his entrance into the primary grade until his hypothetical graduation from the university, and a large majority of our higher educators have insisted and maintained that such course must be pursued by each and all, regardless of their individual capacities. This, obviously, has been the fetish of our education and the fundamental error-misdirected endeavor.

All would be well if we were able to hold our boys and girls, or a large percentage of them, in school, carry them on through the grades, and finally witness their graduation from the higher college. But experience proves this to be an impossibility and statistics show that fifty per centum of our youth sever their school connections while yet not beyond the sixth grade; that but eight per centum of our children enter the high school and less than two per centum graduate from the university. Thus it is that educationally we have been putting on the market too great an amount of the "unfinished product," evidencing the contention that the curriculum of the public school has not been practicable.

I agree with the Superintendent, that the state should make legislative provision for health supervision of schools and believe this to be one of the very important matters awaiting your consideration. Further, the state can no longer afford to wink at its responsibility in regard to the extension of proper all to our rural schools. Education is not a matter of locality and, without regard to the area in which they may live, our children should be given equal opportunity for satisfying their educational needs and aspirations. The consolidation of schools is yet another matter in connection with the improvement of the system which merits your consideration and I commend the same to the wisdom of your judgment.

## EXECUTIVE ACCOUNTANT

The printed report of the Executive Accountant, covering the official workings of the department since its creation, is in your hands and is indeed well worthy of your careful perusal and consideration. The results secured through the operation of this new department are most pleasing and gratifying and warrant the approval of all citizens possessed of a desire that public affairs shall be of the same high standard and placed upon the same substantial economic basis as are those of a successful commercial enterprise.

Since the formation of the department the accountant has examined and checked through the accounts of a majority of the state officers, in many cases the research covering a period of very many years of service, and it is clearly shown that the office has more than paid for itself in monies saved and returned to the state. It is my opinion, however, that the money recovered to the state is the least important of the various benefits secured under the law. Its chief value lies in the establishment and enforcement of correct accounting and its repressive, salutary effect against negligent and willful misapplication of funds.

It is evident that the establishment of the department was and is a step forward in our public development and I fully believe is just as essential to the efficient management of the affairs of state as is the credit department to the success of any large business concern, and should find favor with the general citizenship of the state just as auditing systems for great commercial organizations are demanded and considered fundamentals of good business by the stock-holders and all concerned.

During the past bi-ennial, the accountant has been seriously handicapped by lack of funds and I would recommend that the scope of his endeavors be increased and proper monetary provision made therefor. I would also call your attention to Section twelve, Article D, and to Section thirteen of the bi-ennial report of the Attorney General, and heartily concur with the recommendations therein made and contained, relative to the existing Accountancy Law. As stated, the present law should be amended and the field of the department enlarged to include direct supervision and ex-

amination of the accounts and methods of all state, county, and municipal organizations. Uniform systems of accounting should be as rapidly as possible installed in all classes of offices subject to the supervision of the accountancy department, in order that at any time comprehensive statements may be secured as to the condition of any public office-its receipts, disbursements and other data of interest to the inquiring citizen. Through improved methods of accounting in public offices we will secure improved government and I earnestly urge your co-operation.

### **DEPARTMENT OF GAME AND FISH**

The annual report of the State Game Warden for the period of the past fiscal year is an excellent summary of the work accomplished and contains much valuable information and many worthy recommendations.

During the year the laws' for the protection of the game and fish within our boundaries have, as well as possible under the existing law, been enforced, but, as stated in the report, no progress worthy of mention in connection with the proper propagation of our game supply has been made because of the construction of the law under which the department operates and the omission of the necessary appropriation clause there from. The un wisdom of further pursuit of the course necessitated by the present law is obvious ; it is a policy of anti-conservation and destruction and inasmuch as there was at the close of business on June 30, 1912, an unexpended balance in the Game Fund of \$31,725.00, since which time this amount has been materially increased, there is every reason why the assembled Legislature should at once adopt and put into effect some methods and means which will insure the perpetuation of our stock of game and fish and its proper enhancement, and which will also meet the demands of the sportsmen.

The Game Warden has very naturally been deeply interested in all matters of this nature and in conjunction with a committee of sportsmen has given much time and studious care to the preparation of a law designated to meet the distinctive requirements of the South Dakota situation, and I heartily commend the same to your thoughtful consideration.

## IMMIGRATION DEPARTMENT

During the session of 1911, the South Dakota Legislature enacted a law whereby the Bureau of Immigration was created, and on July first of that year this branch of state government became operative as an active and distinct department.

On July 3, 1911, John D. Deets was appointed commissioner in accordance with the provisions of the law, and the report of that official, covering the operations of the department since its creation is before you and merits your consideration.

Since its birth, the department has been quite seriously handicapped by adverse climatic conditions, this being especially true of the 1911 season, and, all points being considered, I feel that the commissioner deserves considerable commendation and merits much praise for the wisdom and energy with which he has directed his activities. The department has been of material assistance to our newer settlers and has been able to relieve real distress in very many instances. The commissioner has labored hand in hand with the State Agricultural Society and has accomplished much in the interests of the State Fair. Further, as you note in the report, the department during the past year secured space at both the Chicago and Saint Paul Land Shows and placed exhibits thereat which were decidedly creditable to the state and which as advertising factors were of no small potency.

During the month of November of the past year, arrangements were perfected for taking through the states of the East a Special Exhibit Train, and with the aid of the various Commercial clubs throughout the state we were enabled to participate, and, without argument, very much was accomplished in the way of publicity for the state.

Also, through the instrumentality of the Immigration Commissioner, there was held in the city of Aberdeen under dates of March 20-21, 1912, a State Builders Meeting, at which gathering much valuable information regarding conditions in various localities of the state was disseminated and many excellent ideas exchanged for the advancement of the state cause.

During the incumbency of the present commissioner, he has been constantly busy in properly placing the resources of South

Dakota before the people and nation at large; he has done much to remove from the public mind the false impression of our commonwealth that has existed in many sections of the country, due to past conditions in the state; he has boosted South Dakota variously in the public forum, and in fact has well evidenced the value to the state of a successful immigration department.

A correct world-wide understanding of the wonderful resources of this state will bring tremendous development and, as you well know, the great educational industrial work necessary calls for your proper encouragement and I request that you give the subject warranted consideration.

### **ROADS AND HIGHWAYS**

During the past four years very much has been accomplished toward the improvement of the roads and highways throughout the state and an unusual amount of interest in and intelligence upon the subject of Good Roads is at this time evidenced by our citizenship.

The legislative session of 1911 enacted the now obtaining "Issenhuth Good Roads Law" and, although actual application demonstrates the advisability of improvement by amendment or otherwise, the results secured under its operation amply justify our original faith in the measure and have proven its efficiency and value to the public. Splendid highway work has been done in and by various of the counties and I charge you to give every assistance possible to its continuation. The highway problem is without doubt one of the most important questions with which the people of any state are concerned and while its solution is superlatively difficult our Legislature should realize that there is no enterprise capable of promotion which bears a more vital relation to the development of our natural resources, the happiness of our people and the prosperity of our state than does that of improved highways. Good roads will increase our land values; they will lower the cost of the production of food products, and hence will reduce the much-mooted high cost of living; they will result in better, richer and more complete lives for our farmers and will prove themselves socially and economically advantageous to the citizenship entire.

Birth has been given to considerable agitation in regard to the construction of several large and extensive trunk highways across the country, some of which, as you will note in the report of the State Engineer, are to encounter and traverse our state, and in this connection I have to say that although I well appreciate the value to the country of the through trunk-line system, nevertheless, in view of the youth of our state and the immature stage of our development, I more especially favor the improvement of the shorter road lines radiating and branching out from our cities and towns through and among the farms and ranches, believing that this policy will secure for us the desired results with the least possible expenditure of time and money.

On August 21, 1912, I called to meet in Pierre the First South Dakota Good Roads Congress, convened for the purpose of forming a state organization whose energies should be bent toward a general and permanent improvement of our roads and highways. The meeting was successful, the association was formed, has been actively engaged since its organization in creating and fostering interest in the movement, and its committee will be before your present session with a full explanation of its needs and requirements. I would urge that you give the same your consideration and assistance and that you co-operate in every possible way with the State Good Roads Association and the office of the State Engineer to the end that we may early have in operation the system of highways and roads which will mean the most to the general development of our state. No state in the Union has greater natural advantages for the institution of a practical road system than has South Dakota, and with the proper assistance from the state, county and private sources, the movement and its purposes can easily be furthered to the desired limit.

I would especially call your attention to recommendation numbered twenty-one of the report of the Attorney General, which is before you, and in which an enactment is advised permitting the transfer of monies in township general funds to the township road funds. The advantage of such procedure is apparent and I concur in the recommendation.

## FOOD AND DRUG COMMISSIONER

It is perhaps unnecessary for me to refer especially to the results which have been accomplished by the Food and Drug Commissioner, inasmuch as his activities and labors in connection with the enforcement of law have, during the past two years and more, brought the department very prominently before the public gaze. Under the supervision of Prof. A. N. Cook, of Vermillion, a remarkable advancement has been effected and I heartily commend the present commissioner for the high standard of efficiency which has been reached and for the success of his personal efforts in impelling compliance with the law under which the department is operating.

I respectfully call your attention to that portion of the report in which is mentioned the present inability to make use of the fees which have been collected by the department in connection with the Stock Food Law, due to the, fact that the manner of the expenditure of these funds is not specifically stipulate, In a stock country, such as is ours, the matter of a proper inspection of stock food is of no small importance and the funds not in the state treasury originating from this given source should at once be made available and placed at the disposal of the department.

I would also direct you to that portion of the commissioner's report referring to the Net Weight Law, and in this same connection would advise that you give heed to the recommendation found in the report of the Attorney General, which has been numbered LVII and which is appertaining to the law in question.

The commissioner has written exhaustively in regard to the Pure Drug Law and his recommendations should not be lightly passed over. Our law at the present time is somewhat chaotic and entirely inadequate and should be most assuredly strengthened, revised and amended in order that our people may be protected and safeguarded. I would speak also of the necessity for a more stringent regulation of the sale and distribution of all habit forming drugs, the hypnotics, cocaine and the narcotics. The magnitude of the drug habit is at the present time, in our own country and elsewhere, almost inconceivable; it is a prominent menace to the health

and government of our nation, and the legislatures of the various states should indeed bend their energies toward the enactment of stern restrictive measures in order that there be no further promotion of this appalling habit, which even now is one of the real perils of the world.

### **MINE INSPECTION**

The report of the Mine Inspector for the period covered shows that our mines are doing all within their power to insure the safety of their employees and operatives. In the supervision of the mines within the state we have been anxious always for the attainment of practical results rather than the development of theories, and in support of the measures introduced for the safety of the employees it is indeed worthy of note that with an employed force of almost four thousand men The Homestake Mining Company has had during the year but three fatal accidents under-ground.

The inspector reports that (during the past year our gold and silver mines have been unusually active and have produced bullion to the aggregate value of \$8,035,598.05, a record breaking output. This is especially gratifying and in fact there are several features in connection with our mining industry during the past year to which it is pleasing to refer, the freedom from labor troubles, the absence of riot and bloodshed, the materially decreased number of fatal accidents, the scarcity of suspension of operations, and the general existent harmony—all are exceptionally creditable.

In matters of legislation affecting this great industry, I would advise in your deliberations extreme care and superlative caution.

### **REGULATION OF INVESTMENT COMPANIES**

To even the most casual observer, it is apparent that in South Dakota we have no laws sufficiently protective to adequately secure our citizenry against the encroachment and invasion of fake or non-substantial investment companies. In the past, solicitors of such organizations have found our state an unusually fertile field in which to carry on their nefarious work and, often through the most vicious misrepresentation, have been able to dispose of vast quantities of stocks and bonds among our citizens, the value of which upon investigation has been found to be nil.

In this regard, it is time that our house be set in order and I urge your consideration of the matter and finally the passage of an act, the operation of which shall require all investment companies and organizations desiring to do business within our confines to make plain their business policy and present to the proper supervising official or department a complete, detailed account of their financial condition. In the state of Kansas, there now is and has been since the 1911 session of the state legislature such a law in operation and I have been told personally by the governor of that progressive state that since this law has been in effect, and through its single agency, appreciatively more than one and a half millions of dollars have annually been saved to the state. The law there in force makes it a criminal offense for any person or persons to sell stocks or bonds within the state boundaries without being able to present a certificate from the Commissioner of Banking showing that the assets and liabilities of the company offering the stocks for sale have been examined into by the department and have received its approval. At one time out of some four hundred applications from various organizations for permits to sell stock within the state, I am informed that to only forty was the privilege granted after the investigation required by law had been made.

The time for experimentation with this far-reaching problem has passed and the present legislative body should attend to it that no further abuses in this direction occur in the future.

### **RAILROAD COMMISSIONERS**

I presume that in your entire deliberations you will not be called upon to approach any subject of greater importance to the state and its development than is that of the powers, duties and jurisdiction of the Board of Railroad Commissioners, and to the report of the board and the recommendations found therein your attention is invited. Further, as you will note, the Attorney General has in his report gone quite fully' into the Railroad Rate and Express Rate cases and his expressions relative thereto, together with recommendations numbered XXVIII and XXIX of this same report, should not escape your observation.

Our commissioners have recommended that a law be enacted whereby railway companies shall be required to make a report of

their gross receipts and disbursements at each and every station within the state, and in view of its importance I feel that this recommendation should have your early action. It appears that for a number of years the companies have been attempting to collect rates which would be sufficient not only to pay a reasonable and justifiable return upon the value of the property, including cost of operation, maintenance, etc., but sufficient as well to meet the cost of betterments, extensions, etc. In furtherance of this plan of procedure, various companies throughout the United States filed with the Interstate Commerce Commission schedules raising all interstate freight rates, but after a considerable struggle were defeated in their purpose to effect a general raise of rates. However, the matter does not there end for the records of the office of the Railroad Commissioner evidence that the companies operating within our state have variously filed schedules attempting to raise individual rates and the commission has been constantly busied in securing orders from the Interstate Commerce Commission suspending these rates. You will understand that when the lawfulness of a rate is in question, the value of the entire property of the company is always taken into consideration, including, of course, the property outside of the state as well as that within its boundaries. If the railway companies decide to expend \$10,000,000 or \$50,000,000 for the erection of a station in Chicago, South Dakota must pay her proportionate share, and it is therefore absolutely necessary that the Railroad Commission, and the public, should have at all times an accurate statement showing the monies received and the amounts disbursed within the state by the various companies.

I would also make mention of the necessity for the enactment of a law providing for sufficient monetary compensation to the commissioners to warrant their residing at the seat of government, devoting their entire time and attention to the work of the board, and being constantly in session. This is the procedure in very many of the states and the results more than justify its operation.

### **PUBLIC EXAMINER**

A careful examination of the report of the Public Examiner forces the conviction that the activities of the department are manifold, and increasing, and its powers for good unlimited.

As stated in the report, unusual financial conditions have obtained within our state during the past two years and our banking department has been operating, as it were, in a field hitherto seldom or never experienced. For his devotion to duty and the skillful and efficient management of his department, the examiner is to be commended and I earnestly request that you give to the recommendations incorporated within his report the benefit of your most careful and deliberate judgment.

As you well know, the activity of this department and the restraining influence of its surveillance prevent countless irregularities in the operation of the various banks, much loss of money and property within the state, and assuredly it merits your encouragement and support.

### **SCHOOL AND PUBLIC LANDS**

The results secured in this very important office of state government, under the supervision of the present commissioner, are indeed a source of gratification and satisfaction.

The records evidence that the school land sales of the past two years have been 'the most successful in the history of the department, there having been received, during the bi-ennium, an average price of \$49.66 per acre, and it is stated by the commissioner that in several of the counties but little of the more desirable land was sold.

You will note from the report that the exchange of lands within the Black Hills and Harney National Forests has been effected, settlement secured, and the matter satisfactorily closed. The consummation of this transaction is without doubt one of the most important events in the epoch of this entire administration, and I heartily congratulate the commissioner upon the success accomplished.

In connection with matters of legislation relative to this department, I quote for your information the following recommendation from the report of the Attorney General:

“After consultation with the commissioner of school and public lands, sue recommend the submission of a constitutional amendment, permitting the leasing of school lands for more than five years under such rules and regulations as will permit of the improving of the property,

and which will open up large areas of land in this state to actual settlers.”

### **THE PANAMA PACIFIC INTERNATIONAL EXPOSITION**

Under dates of February 20 to December 4, in the year 1915, the Panama Pacific International Exposition will be held in the city of San Francisco, and the matter of South Dakota's participation therein is deserving of your studied consideration at this time.

In conformity with the provisions of joint Resolution numbered sixteen of the Twelfth Legislative Session, the Governor, being so empowered by such resolution, appointed a commission of five citizens to investigate the nature and scope of the proposed exposition. Early in the past spring, the committee, accompanied by the Governor, made the journey to San Francisco, there conferred with the exposition authorities and with the thought in mind of South Dakota's possible participation tentatively selected a site for an exhibit building; In connection with the desirability of our state making an exhibit, the present assembly is undoubtedly alive to the many cogent reasons and the impelling demand for our proper representation at the exposition and for a display of our resources befitting and in concord with the dignity and importance of South Dakota in the columnar rank of the states. I am informed that already twenty-two foreign governments have signified their intention of participating in the exposition and that some thirty of the states have taken legislative action with this end in view, and in consideration of the decision made by those in charge that all exhibit buildings must be completed in entirety and ready as if for occupancy on June 25th, 1914, I urge upon you the necessity for immediate action connective with this opportunity for a proper demonstration of South Dakota's concern with the moral, educational, social and industrial advancement of the modern world.

### **FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG**

As you have undoubtedly been informed, the fiftieth anniversary of the Battle of Gettysburg is to be observed under dates of July 1st to 4th, inclusive, in the good year 1913, on the historic battlefield. The patriotic observance is to be national in char-

acter and the Anniversary Commission especially desire that all soldiers who participated in the battle be in attendance. It has been necessary, of course, to secure a list of the veterans now within the confines of our state, as well as other related and pertinent data, and in order that the matter might be facilitated and moved forward with expedition, I named and appointed Captain N. H. Kingman, of Selby, as special representative in connection with the movement on behalf of South Dakota. This comrade has given much time and attention to the subject, has attended various conferences and important deliberations of those concerned with the anniversary, and reports that he has in hand a partial list of the veterans who hope to be able to attend the celebration, and while, naturally, this list cannot at the present time be considered absolutely exact it is a very fair and necessary approximation and is of vital importance as a basis for estimate, should the Legislature decide to extend state aid- to those of our old soldiers who find themselves unable to personally bear the expense incident to the trip to Gettysburg.

### **UNIFORM LAWS**

Throughout the nation a very worthy effort is being made to bring about a desirable uniformity in the laws of the various states bearing upon certain subjects-especially, just at this time, those concerned with negotiable instruments and with marriage and divorce. As you well know, to a very prominent degree a very close community of interests exists among the several states, and the public good demands, and increasingly so, that the laws of all states shall be brought into more perfect concord and harmony, in order that the rights and powers of the individual state may be more completely protected and more carefully conserved. In this direction there is an unusual field for the activities of the present legislative session, and I suggest that the same receive your consideration.

### **TEMPERANCE**

In my first biennial message to the Legislature, I stated that in my opinion the liquor traffic, through its various agencies, is the highest tax which is paid by the people of any state or nation, and indeed I am gratified to note that, with a truer comprehension of the magnitude and diversity of the evils resulting from

the nefarious business, the people of South Dakota are more widely awakened to their relative position than heretofore.

Throughout the entire country increased efforts to neutralize and abolish the evil are being made and within our own state we find that pronounced benefits are resulting from the operation of the Nine O'clock Closing Law, which has proven itself a very forceful remedial measure.

It is not my policy that this message shall contain any extended dissertation upon the subject of temperance, for my position and attitude relative thereto are well known and very clearly defined. I wish simply to say that now as always it is my belief that any governmental organization, whether it be national, state or otherwise, which licenses the carrying on of the whiskey traffic, stands sponsor for the resultant disorder and crime which always follow.

That the deadly saloon, which with its comfort, attraction, and gilded elegance offers so strong an appeal to the senses of our citizens, can be tolerated in any community of intelligence is more than I can understand, and I hope and believe that the broad, educational and scientific campaign which is now being carried on against alcoholic products will bring into being a united public sentiment which will do away with the licensed leper, whose very contact is so destructive to human society.

The question of the sale and distribution of intoxicating liquors is indeed of paramount importance to all of our people and accordingly should be approached by our legislators with the end in view of conserving the interests of the whole citizenship and advancing the welfare of the entire state. I again recommend the establishment of an inebriate asylum or special hospital, where the alcoholic victim and sufferer could be housed and cared for as his condition might demand; where he could be protected from himself and restrained from his abnormal desires and where he could be surrounded by those agencies, mental, physical and moral, which will best build him up and restore him to a temperate, normal life.

### **ATTORNEY GENERAL**

With the continued growth of the state, the duties devolving upon the office of the Attorney General are rapidly increasing, and during the past bi-ennium this department has most effectively

handled an exceptionally large volume of state business. Also, within the period, an unusual concert of action among the various law-enforcing officials of the state has been evidenced and the Attorney General is indeed to be congratulated upon his success in bringing this about.

The official has in his report submitted various recommendations relative to our obtaining laws and their operation, which are of the utmost importance to the entire citizenship of South Dakota, and although I have in many instances already called your attention to certain of these suggestions, I here wish to further impress upon you the impelling necessity for your consideration of the advices of our legal department.

### **BOARD OF HEALTH**

During the past two years the state has been remarkably free from outbreaks of contagious and infectious diseases, and without question the preventive measures insisted upon by our Board of Health have not been without effect.

In the administration of public health, the problem to be solved is largely one of prevention which, as you are aware, necessitates a very close co-operation with various other departments of government. Under the present organization of the Board, to secure the desired co-operation is a matter of extreme difficulty and although I well appreciate the splendid service rendered by the Board as it is now formed it would seem that some improved arrangement might be perfected whereby increased efficiency, would be obtained. There is no doubt but that the personnel of the Board should include a competent sanitary engineer, to whom could be referred, with decided benefits, many matters of sanitation, the proper disposal of sewage, etc.

### **STATE ENGINEER**

The State Engineer in his report has dwelt at some length upon the many interesting and important subjects with which the department has been concerned, and the diversity of the matters to which he has given his attention well evidences the energy and activity of the present official.

Drainage, irrigation, roads and highways, construction of state buildings, artesian wells, surveys, and other matters of in-

fluent weight upon our state's development, are among the interests of this important department, and I would suggest your careful examination of the engineer's comprehensive report in order that you may thoroughly familiarize yourselves with the scope and extent of his duties.

The necessity is apparent for again arranging for the continuation of the hydrographic surveys and a proper appropriation should by all means be provided for this purpose.

### **IRRIGATION**

The past few seasons have witnessed a considerable increase in the number of private irrigation plants and projects within the state, and in view of the immense importance of such enterprises to a great area west of the Missouri River it is to be hoped that all possible available means may be made use of to create, foster and further interest in and intelligence upon this vital subject.

The office of the State Engineer has accomplished much in the way of securing and preparing authentic information and accurate data, relative to various projects capable of development, and is to be commended upon its close identification with these undertakings which are of so great moment to the advancement of this state.

### **IMPROVEMENT OF CAPITOL GROUNDS**

The grading, improvement and landscaping of the Capitol grounds have been accomplished under the direction and supervision of the Capitol Commission, assisted by our State Engineer, and most assuredly the plan as worked out and the results obtained are satisfactory in the highest degree. Cement walks and drives have been laid, electrical light standards placed, grades established and a retaining wall raised, all with a harmony of detail and perfection of design seldom met with.

In this connection. I wish to state that much credit is due our custodian, Mr. R. C. Sanders, and his assistants, for their earnest and zealous efforts in caring for the lawns, trees and flowers; for the personal pride they have evidenced in the Capitol ; and for their loyal regard for the beauty and order of the State House and the efficiency of its management.

Information as to further necessary and desirable improvements of the grounds will later be presented to you and should have your consideration. Our Historian informs me that the Historical Department and the State Library, owing to their steady growth, are in sad need of additional space for their accommodation, and I suggest that certain rooms in the basement of the building be finished, arranged and equipped, in order that the valuable volumes of this department may be available and of easy access.

For your information in connection with the Capitol building and grounds, I have taken from the report of the Attorney General his recommendation numbered LII:

"Your attention is called to the fact that the Title Insurance & Trust Company of Pierre has certain tax liens on Lot Eighteen (18) of Block Two Hundred and Fifty-four (254) Railway Addition to the City of Pierre, which lot is included in the capitol grounds. It is recommended that an appropriation be made to clear the title to this lot, as it can probably be done at this time much cheaper than in the future."

### **CIVIL SERVICE**

It is my opinion that a judicious and carefully drawn civil service law, providing that appointments to state positions be based upon ability and efficiency, should have the attention of this session of the South Dakota Legislature, and the matter is referred to you for examination, investigation and consideration.

### **NATIONAL GUARD**

The Adjutant General makes an interesting report of the workings of the military department during the biennium, and I am pleased to note the favorable comparison of our branch of the National Guard with similar organizations in other states. It is a matter of especial satisfaction that at the Sparta Maneuver Camp there were, among the South Dakota boys, no arrests and not a case of insubordination or intoxication reported.

The present Legislature well comprehends that a state properly trained military organization, holding the confidence and

respect of the people, is a source of strength and a power for good, and to you I leave the task of deciding, after a careful following of the recommendations of the Adjutant General, what legislative measures are necessary to elevate the efficiency and increase the potency of the South Dakota National Guard.

### **SECRETARY OF STATE**

The financial statement, contained within the report of the Secretary of State, records that for the biennium ending June 30, 1912, a total income was effected in the amount of \$56,717.33, being \$41,287.33 in excess of all expense in connection with the operation of the department.

As you are well aware, the office of the Secretary is concerned with a multiplicity of interests, and the record as made commends the present manner of handling the affairs of the department. Methods of caring for the affairs of the office are well systematized and efforts are constantly being put forth for the securing of increased efficiency.

### **COMMISSIONER OF INSURANCE**

In the last annual report of the Insurance Commissioner, you will note that there have been submitted certain recommendations, regarding the passage of new laws, which are of interest to the Legislature.

Inasmuch as I have previously referred in this message, and favorably, to the enactment of a law similar in character to that of the Kansas "Blue Sky Law," I here simply concur in and endorse the latter recommendations of the Commissioner, from which I quote

"I suggest the passage of a law, similar to the Ohio law, by which the Commissioner of insurance, the Governor, and the Attorney General are made a commission with final jurisdiction, to which all propositions for merger, purchase, sale, or liquidation may be referred."

From the report, you will gather valuable information in regard to the immense volume of business now handled by this department, and I heartily commend the Commissioner upon the high regard in which I find our Insurance Department is held by

the sister states. Much vigorous and watering work has also been accomplished by the State Fire Marshal, and he is well entitled to no small amount of our praise.

### **POWER OF THE GOVERNOR**

Because of the magnitude of its importance, I would again call to your attention the peculiarly embarrassing situation in which the Governor of this state finds himself when he attempts obedience to that mandate of the Constitution, from which it is deduced that the Governor shall enforce the laws.

It is plain that the law of the land should by all means be enforced and it is wise and just that this duty should be placed within the jurisdiction of the Chief Executive, but it is equally evident that without authority to execute his orders and compel his directions, as far as the Governor is concerned, the solution of the problem is not arrived at.

The vast numbers of letters continually received at the Executive Office, wherein the residents of the various portions of the state appeal to the Governor to enforce, or more rigidly enforce, certain laws in their respective localities, have firmly convinced me that a large majority of the state's citizenship believe that the executive powers of the Governor of South Dakota are much more inclusive than they actually are.

I admit that the Constitution says that he may call out the military and naval forces of the state to execute the laws, but the utter impracticability of applying this power to the numerous ordinary and constantly recurring violations of our various criminal laws is apparent to all and does not call for mention here. My experience teaches me that a strong remedial measure is necessary to correct the error resultant of this deficiency, and in order that the wishes and requests of the Executive may assume something of weight and be observed by the local officials to whom they may be directed, I believe that there should be vested in the Governor the power to remove from office any official, whose duty it is to enforce the criminal laws of the state, and who fails, neglects or refuses to properly perform and discharge this duty; and I am confident that the bestowal of this power will insure

increased efficiency, cure some of the now existing ills, and eradicate not a few of the evils which at present are of grave moment and serious concern to the welfare of the public.

### REVIEW AND CONCLUSION

The present condition of the affairs of the various departments of South Dakota's government is, as has been shown, mighty encouraging, and a single retrospective glance affords as much cause for rejoicing and gratification. In the race of progress, the state, during the past four years, has accomplished a decided forward step and today takes rank as one of the strongest and roost progressive commonwealths in this entire republic.

Some of the newer sections, we admit, have not in the past few seasons witnessed an agricultural reward commensurate with the courage and endeavors of those establishing their homes therein, but present conditions offer much in the way of encouragement and unquestionably the very near future will return to us a steady, substantial and desirable development of all portions of the state.

The state finances are in excellent condition and we can well congratulate ourselves upon the splendid reduction of the state debt brought about within the past quadrennial. In support of our policies the following financial statement supplied by the State Treasurer is offered

"To the Governor

Financial statement of state of South Dakota at the close of business, Jan. 4th, 1909, also for the fiscal year ending June 30th, 1912.

Jan. 4th, 1909—all

Registered General Fund Warrants .....	\$515,517.40
Revenue Warrants .....	250,000.00

Total .....	\$765,517.40
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Less cash on hand .....	78,514.56
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Net Debt, January 4th, 1909 .....	\$687,002.84
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June 30th, 1912—

Registered General Fund Warrants .....	None
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Revenue Warrants .....	\$500,000.00
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Less cash in General Fund .....	441,118.07
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Net Debt, June 30th, 1912 .....	\$56,881.93"
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In several of the departments, financial emergencies have arisen of sufficient importance to warrant the issuance of deficiency certificates by the Executive. These accounts will later be placed before you by the interested departments and call for your early consideration.

There are other matters to which I would call your attention, but time and space forbid, and in closing I wish to thank the state officers and their assistants who, in the various branches of public service, have labored with me, and I compliment them upon the zeal, industry and ability which they have demonstrated in the conduct of the affairs of their respective departments.

The citizenship of South Dakota has selected as Chief Executive one peculiarly well fitted by experience, training and character for the attendant heavy responsibility, and with real pleasure I commend him to your co-operation and would enlist for him your undivided support, to the end that the unequalled resources of our beloved state may be properly developed and wisely conserved; to the end that scientific and business principles may be rapidly applied to every department of our government; that as a state our prosperity may be increased and our happiness enhanced; that as citizens we may better comprehend the undeniable right to each and every one for a square deal, and that as men we may more thoroughly acknowledge the brotherhood of man and the sovereignty of Almighty God.

R. S. VESSEY,  
Governor.

## **PARDONS, REPRIEVES AND PAROLES**

WM. A. RILEY, sentenced under (late of December 16, 1908; term, 3 years and in months ; crime, manslaughter in third degree, from Gregory county. Paroled January 12, 1911, upon the recommendation of the State Board of Charities and Corrections.

WILL TRUE, sentenced from Lincoln county, December 19, 1908; term, 3 years ; crime, burglary in the third degree. Paroled January 12, 1911, upon the recommendation of the State Board of Charities and Corrections and others.

ROBERT M. WALTERS, sentenced under date of February 12, 1909, from Lincoln county; crime, forgery in the second degree; term, 5 years. A pardon was granted on January 13, 1911, based upon the recommendations of the State Board of Pardons.

GEORGE BENDER, sentenced from the county of Hutchinson to a term of not less than 6 months nor more than 5 years, for the crime of grand larceny. Upon the recommendation of the State Board of Pardons a pardon was granted January 13, 1911.

H.J. McCARRON, sentenced from Minnehaha county in December, 1909; term of 2 years; crime of forgery in the third degree. Paroled January 18, 1911.

THOS. C. MEADE, sentenced from Pennington county in June, 1910 ; term, 1 year; crime, bigamy. A parole was granted under date of January 18, 1911, upon the recommendation of the Board of Charities and Corrections.

E. B. ROBINSON, sentenced from the county of Charles Mix, to a term of 2 years and 10 months, crime adultery. He was committed to the penitentiary October 20, 1909, and paroled February 15, 1911.

CHRISTINE CLARK, sentenced from Clay county ; committed to the penitentiary under date of November 27, 1908, for a term of 3 years and 10 months ; crime of manslaughter in second degree. Paroled February 23, 1911.

CHARLES B. VAN GORDER, sentenced from the county of Beadle on the 9th day of July, 1910, for the crime of robbery in the second degree; term of 1 year. Under date of February 21, 1911, a pardon was granted based upon the recommendations of the Warden of the penitentiary, the State's Attorney who prosecuted the case, and the judge of the Circuit Court, who sentenced the prisoner.

JAMES BAILEY, sentenced from the county of Faulk, on the 3rd day of September, 1910, for the crime of adultery ; term, 2 years. A pardon was granted on the 4th day of March, 1911, based upon the petitions of the prosecuting attorney, sentencing judge, and a large number of prominent citizens of Faulk county. The extreme youth of the prisoner was also considered.

HERVEY MERRILL, sentenced from Hughes county, on September 3, 1910, to a term of 1 year, for the crime of grand larceny. In consideration of the facts in the case, the youth of the prisoner, and his previous good reputation and evident reformation, a pardon was granted on March 4, 1911.

WM. B. HOLMES, committed May 2, 1908, from Davison county, to a term of 5 years, for the crime of forgery in second degree; paroled under date of March 17, 1911.

LEROY BRINNING, committed November 9, 1908, from Brown county, to a term of 5 years, for the crime of forgery in second degree. Under date of March 17, 1911, a parole was granted.

CARL STORCH, sentenced to a term of 2 years for the crime of assault. Committed under date of March 3, 1910, and paroled March 17, 1911.

JOHN KELLER, sentenced from the county of Hutchinson to serve a term of not less than one year nor more than five years, for the crime of grand larceny. Committed under date of April 12, 1910, and on April 1, 1911, a pardon was granted based upon the recommendation of the Board of Pardons and certain extenuating circumstances.

MRS. MARY HARBOUR, sentenced from Pennington county, November 19, 1908; term of 3 years and 11 months; crime, manslaughter in third degree. Paroled April 20, 1911.

JOHN MYOTT, sentenced May 31, 1910, from Minnehaha county, to a term of 1 year and 6 months, for the crime of burglary in third degree. Paroled April 20, 1911.

JAMES ANDERSON, committed March 18, 1908, from Miner county; term, 8 years; crime, rape. Paroled April 20, 1911.

J. P. TRENHOLM, sentenced from Brown county, in the month of January, 1910, to a term of 3 years, for the crime of rape in the second degree. Paroled April 20, 1911.

CHARLES E. TITUS, sentenced from the county of Lincoln, for the crime of forgery; term, 2 years. He was committed to the penitentiary on the 8th day of November, 1909, and remained until the 1st day of November, 1910 when he was released upon parole. On April 18, 1911, a complete pardon was granted, based upon the conduct of the prisoner while on parole, his evident desire to make restitution for the crime committed, and his apparent reformation.

EARL JOHNS, sentenced on December 11, 1908, from the county of Minnehaha, for the crime of robbery in second degree; term, 1 year. On April 26, 1911, a pardon was granted based upon the recommendations of the warden of the penitentiary, the attorney who prosecuted the case, and the judge who pronounced the sentence.

NANCY R. COOPER, sentenced on May 13, 1910, from the county of Hughes for the crime of grand larceny; term, 2 years. On April 28, 1911, a pardon was granted, having been recommended by the judge before whom the prisoner was tried, the warden of the penitentiary and various others familiar with the details of the crime.

HENRY BICKEL, sentenced October 21, 1910, to a term of 1 year, from Campbell county for the crime of adultery. Statements having been submitted by the attorney who prosecuted the case, the sentencing judge, five of the convicting jurors,

and various others, requesting that the prisoner be released, a pardon was granted on May 8, 1911.

WM. K. FRAZER, sentenced from Lawrence county; term of one year; crime, shooting with intent to kill; committed to penitentiary November 14, 1910. Paroled May 13, 1911.

JAMES SPERRY, sentenced September 13, 1910, from Lawrence county; term, 1 year; crime, grand larceny. Paroled May 13, 1911.

ORA LEE BURNETT, sentenced January 27, 1910, from Pennington count); term, 2 years and 6 months ; crime, grand larceny. Paroled June 27, 1911.

GEORGE B. WILLIAMS, sentenced January 7, 1911, from Lawrence county; term, eight months; crime, grand larceny. Paroled June 27, 1911.

CHRISTIAN CHRISTIANSON, sentenced from Clark county, under date of December 31, 1896; term, for the period of his natural life; crime of murder. Pardoned May 22, 1911, upon the recommendations of the State Board of Pardons.

ALBERT MAXON, sentenced from the county of Hutchinson; term of 4 years; crime of manslaughter; committed under date of November 11, 1908. Paroled June 27, 1911.

CLAUDE ARY, sentenced from Stanley county; term, five years; crime of rape; committed February 6, 1909, and paroled July 22, 1911.

FRANK MANDALINO, sentenced from Lawrence county, under date of April 22, 1909; term of four years and 6 months; crime, burning insured property. Paroled July 22, 1911.

VENCIL KOVAR, sentenced from Hamlin county, term of 5 years, for the crime of rape. Committed to the penitentiary November 23, 1908. Paroled July 22, 1911.

CHARLES HELVEY, sentenced from Butte county, term of 5 years, for the crime of forgery in second degree. Committed to the penitentiary January 15, 1909. Paroled July 22, 1911.

FRANK HOWARD, sentenced December 12, 1908, from Gregory county; term, 4 years; crime, grand larceny. Paroled July 22, 1911.

ARCHIE McCALLUM, sentenced from the county of Campbell, for the crime of rape, on December 1, 1910; term, 5 years at hard labor: he was pardoned August 10, 1911, upon the recommendation of the Board of Pardons.

STANLEY SCHMINSKY, sentenced from Day county, January 17, 1911 ; term, 1 year; crime, grand larceny. A pardon was granted August 10, 1911, based upon the recommendations of the state's attorney, who prosecuted the case, the sentencing judge, and the warden of the penitentiary.

LESTER E. BATCHELDER, sentenced March 30, 1910, from Hutchinson county, for the crime of grand larceny; term, not more than 5 years nor less than 1 year. On August 10, 1911, a pardon was granted, based upon the recommendation of the Board of Pardons.

ORTHO K. HULL, sentenced from the county of Aurora, February 19, 1909, for the crime of grand larceny; term, 3 years and 6 months. Upon the recommendation of the State Board of Pardons, a pardon was granted August 10, 1911.

E. O. DORM, sentenced from Spink county, January 26, 1911 ; crime, grand larceny; term, 1 year. Paroled August 11, 1911.

M. M. EDWARDS, sentenced December 17, 1910, from Stanley county; crime, grand larceny; term, one year and two months. Paroled August 11, 1911.

C. F. DANIELS, sentenced from Davison county, April 14, 1910; term of two years ; crime of grand larceny. On August 14, 1911, a parole was granted.

THOMAS W. JOHNSON, sentenced on January 22, 1910, from the county of Pennington, for the term of 5 years ; crime, forgery. Pardon was granted August 14, 1911, based upon the recommendations of the State Board of Pardons.

GEORGE SPILA, sentenced from Lake county, under date of October 7, 1909 ; term of 5 years ; crime of forgery. On August 14, 1911, a pardon was granted at the request and recommendation of the Board of Pardons.

C. H. BUCHMAN, sentenced from the county of Day, under date of January 18, 1911, for a term of 1 year; crime of grand larceny. Paroled September 11, 1911.

JESSE SCHMIDT, committed from Lake county, May 31, 1910, for the crime of grand larceny; term of two years and four months. Paroled September 11, 1911.

J. P. WEST, sentenced under date of November 29, 1910, from the county of Walworth; term, 15 months; crime, forgery. Paroled September 11, 1911.

JOHN H. HILLARD, sentenced October 14, 1909, from the county of Miner; term of 4 years and 6 months ; crime of destruction of insured property. Paroled September 11, 1911.

LOUIS MONTGOMERY, sentenced from the county of Harding, under (late of September 25, 1909, for the term of 4 years; crime of arson. Upon the recommendations of the Board of Pardons, a pardon was granted October 7, 1911.

JOHN SCULLY, sentenced from Yankton county, on January 31, 1911, for a term of 1 year and 6 months; crime of burglary in third degree. Paroled October 14, 1911.

F. W. KRUSE, sentenced under (late of January 13, 1908, from the county of Sanborn; term of 5 years ; crime of adultery. Paroled October 14, 1911.

BY PERKINS, sentenced from the county of Lawrence, under date of February 24, 1911 ; crime, assault with a fire-arm with intent to kill; term, 3 years and 6 months. Upon the recommendations of the Board of Pardons, showing that the prisoner had entered a plea of guilty, which was done without the advice of counsel, and making plain the facts of the case, a pardon was granted under elate of November 1, 1911.

WM. K. FRAZER, sentenced from the county of Lawrence, under date of November 14, 1910, for the crime of shooting with intent to kill; term, 1 year. He remained in the penitentiary until May 15, 1911, when he was released upon parole. A complete pardon was granted on November 9, 1911, based upon the recommendation of the warden of the penitentiary and others familiar with the case.

HARRY WILLIAMS, sentenced from Minnehaha county, under date of December 12, 1910; term, 1 year and 8 months; crime, burglary in third degree. Paroled November 22, 1911.

ROY FOSTER, sentenced under date of October 22, 1910, from the county of Potter; crime, perjury; term, two years. Paroled November 22, 1911.

AUGUST BAUER, sentenced from Edmunds county, January 17, 1911; crime, placing obstruction on railroad track term, 1 year and 6 months. Paroled December 20, 1911.

OLLIE WORRELL, sentenced under date of August 28, 1911, from Tripp county; crime, grand larceny; term, 6 months. In view of the extreme youth of the prisoner and previous good reputation, a pardon was granted on January 2, 1912.

CHRIS EMERSON, sentenced from Minnehaha county, on the 10th day of May, 1909; term of five years; crime of forgery. Pardon granted February 2, 1912, upon recommendation of the State Board of Pardons.

ELIJAH RAICE, sentenced from Lawrence county, under date of December 21, 1909; crime of man slaughter in the first degree; term of fifteen years. Upon the recommendation of the Board of Pardons and in consideration of the extenuating facts and circumstances surrounding the case, a pardon was granted February 2, 1912.

ARCHIE HEMSTOCK, sentenced under date of December 18, 1908, from the county of Lincoln, for the crimes of arson in the third degree and two charges of burglary in the third degree terms, aggregating eight years. February 2, 1912, a pardon was granted upon the recommendation of the Board of Pardons.

THOMAS HANLEY, sentenced from the county of Lawrence, February 8, 1911, for the crime of burglary in fourth degree; term of 1 year. A pardon was granted under date of February 21, 1912, and in connection therewith statements from the warden, the prosecuting attorney, and the sentencing judge, recommending same were received.

FRED WEST, sentenced March 2, 1910, from the county of Davison, to a term of 5 years; crime of rape. Paroled February 21, 1912.

ALFRED DEON, sentenced from Charles Mix county on January 7, 1909; crime of rape; term of five years. Paroled February 21, 1912.

FRANK NELSON, sentenced from the county of Brown, December 1, 1911, crime of burglary in third degree; term, 6 months. Paroled February 21, 1912.

JOHN H. LARKIN, sentenced under date of December 15, 1909, from Minnehaha county; crime, forgery in second degree ; term, 5 years. On March 8, 1912, an order was issued modifying the sentence so that it would terminate on September 15, 1912, .. hick order was based upon the recommendations of the Board of Charities and Corrections, the warden of the penitentiary, and exemplary conduct of the prisoner during his confinement.

R. B. WOODWORTH, sentenced from Lawrence county, November 26, 1910; term, 2 years and 6 month; crime of adultery. Paroled March 9, 1912.

JOSEPH ANDERSON, sentenced under date of December 18, 1908, from the county of Lincoln; crimes of arson in third degree and burglary in third degree ; term, four years and three years, respectively. Paroled March 9, 1912.

JOSEPH BUNDSCHUH, sentenced from the county of Walworth, on March 20. 1911, for the crime of embezzlement; term of 2 years. Paroled on March 9, 1912.

C. R. DENTON, sentenced on July 13, 1910, from Beadle county, crime of enticing term of not more than five years. Paroled March 9, 1912.

ELMER CHRISTOPHERSON, sentenced from Lawrence county, on September 5, 1911, for the crime of grand larceny; term of 1 year. Application for pardon of the prisoner was duly considered and after receiving recommendations of the warden of the penitentiary, the judge who sentenced the prisoner, and the state's attorney, same was granted on March 21, 1912.

WILLIAM BINDERT, sentenced from Douglas county, under date of February 16, 1911, for the crime of grand larceny ; term, not less than 18 months nor more than 5 years. Pardon granted on March 25, 1912, upon the recommendations of the Board of Pardons.

W. M. HOWE, sentenced from the county of Faulk, on May 6, 1911, for the crime of making false statements as to the condition of the Chelsea State Bank; term of 1 year and 6 months. In view of the extenuating circumstances surrounding the case, the previous splendid record of the prisoner and the serious illness of his wife, a pardon was granted under date of May 18, 1912.

JOSEPH HANSON, sentenced on June 5, 1911, from the county of Davison, for the crime of attempting to break and enter; term, 1 year and 6 months. Paroled May 18, 1912.

G. F. BRANDALL, sentenced from Hyde county, on October 16, 1909; term, 3 years; crime, grand larceny. Paroled May 18, 1912.

JOSEPH ROYCRAFT, sentenced on June 6, 1910, from the county of Edmunds; term, 5 years; crime, rape. Paroled June 11, 1912.

PAUL MOODY, sentenced from the county of Davison, April 21, 1911; crime, rape in the second degree ; term, 4 years. Pardoned under date of July 5, 1912, because of extreme youth of prisoner, his model conduct while in the state prison, and other facts in the case. Pardon was recommended by the State Board of Pardons.

JOHN HAM, sentenced from the county of Charles Mix, on July 7, 1908, for the crime of grand larceny ; term, 3 years. Par-

done on July 5, 1912, upon the recommendation of the Board of Pardons. It will be noted that the prisoner was not committed to the penitentiary until May 2, 1910.

WILLIAM JOHNSON and JOHN MAKI, sentenced from the county of Lawrence, under date of January 7, 1911; term of 3 years ; crime of malicious destruction of property with explosives. Pardoned upon the recommendations of the Board of Pardons under late of July 5, 1912.

JOHN G. WALTERS, sentenced from Minnehaha county, November 22, 1911, for the crime of assault with a dangerous weapon ; term, 1 year. Paroled July 15, 1912.

WALTER L. MITCHELL, sentenced from the county of Minnehaha, on December 15, 1911 ; crime of grand larceny ; . term, 1 year. Paroled July 15, 1912.

PAUL I. BETZ, sentenced under date of May 4, 1912, from the county of Edmunds ; crime of presenting fraudulent claims for insurance; term of 6 months. Paroled July 31, 1912.

CHARLES RUNKLE, sentenced from Hughes county, May 15, 1912, for the crime of grand larceny; term, 4 months. In consideration of the extreme youth of the prisoner, a pardon was granted under date of August 17, 1912.

WILLIAM L. WELLS, sentenced on October 9, 1911, from the county of Beadle; crime of forgery ; term of 2 years. Pardon granted September 14, 1912, upon the recommendations of the warden of the penitentiary, the prosecuting attorney and the sentencing judge.

WILLIAM W. BARKER, sentenced from the county of Brown, on or about the 29th day of December, 1905, for the crime of murder: term, period of his natural life. On October 28, 1912, upon the recommendation of the Board of Pardons, the sentence of this prisoner was commuted to a term of 25 years from January 5, 1906, at which latter date he was committed to the penitentiary.

ROY PIERCE, sentenced on November 30, 1910, from Spink county ; crime of rape in the second degree ; term, 4 years. Paroled November 25, 1912.

C. L. COURTRIGHT, sentenced from Hamlin county, on March 9, 1912; crime of rape in second degree; term of 1 year and 6 months. Paroled November 25, 1912.

CASE, KRAAYENBRINK, sentenced from the county of Perkins, May 30, 1911, for the crime of receiving stolen property, for the term of 3 years. Paroled November 25, 1912.

ELLA MORFORD, sentenced on March 28, 1912, from the county of Stanley ; crime, adultery ; term, 1 year. Paroled November 25, 1912.

HELMER B. JORGENSON, sentenced on November 3, 1911, from Perkins county; crime of manslaughter in second degree; term of 2 years. Paroled November 25, 1912.

R. M. EVANS, sentenced from the county of Sully, July 26, 1910; crime, arson in third degree; term, 5 years. Paroled December 14, 1912.

PHILLIP MEDLEY, sentenced on the 5th day of December, 1912, from the county of Davison ; crime of petit larceny; term of thirty days in the county jail of Davison county and to pay a fine of \$100. In view of the peculiarly extenuating circumstances surrounding the case and the facts in connection therewith the jail sentence of the said prisoner was, under date of December 6, 1912, remitted by the Lieutenant and Acting Governor Byrne.

FRED CLINE, sentenced from Hyde county, October 16, 1909, for the crime of larceny ; term of 3 years. Prisoner was not committed until July 31, 1911. Under date of December 14, 1912, a parole was granted.

TOM BARNES•, sentenced from the county of Potter, February 14, 1911, for the crime of grand larceny; term of 2 years and 11 months. Paroled December 14, 1912.

JOHN A. ROTT, sentenced from the county of McPherson, under date of June 13, 1912, for the crime of manslaughter in first degree; term, 6 years. Under date of December 20, 1912, a pardon was granted upon the urgent recommendation of the Board of Pardons.

C. MILO PLUMB, sentenced during the November, 1911, term of court, from the county of Fall River, to a term of one year, for the crime of grand larceny. He was committed under date of May 14, 1912, and on December 30, 1912, at the request and upon the recommendations of the state's attorney who prosecuted the case, the warden of the penitentiary, the complaining witness, and a large number of prominent citizens of Fall River county, a pardon was granted.